

# EXHIBIT 60

GERHARD OSWALD            December 10, 2008  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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ORACLE CORPORATION, a Delaware	)
corporation, ORACLE USA, INC., a	)
Colorado corporation, and ORACLE	)
INTERNATIONAL CORPORATION, a	)
California corporation,	)
	)
Plaintiffs,	)
v.	) Case No.
	) 07-CV-01658 PJH (EDL)
	)
SAP AG, a German corporation, SAP	)
AMERICA, INC., a Delaware	)
corporation, TOMORROWNOW, INC.,	)
a Texas corporation, and DOES	)
1-50, inclusive,	)
	)
Defendants.	)

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VIDEOTAPED DEPOSITION OF MR. GERHARD OSWALD

VOLUME I

Wednesday, December 10, 2008

AT: 8:52 a.m.

Taken at:

Bingham McCutchen LLP  
41 Lothbury

London EC2R 7HF

UNITED KINGDOM

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12:54:06    1                    Q.   And if you turn to the next page, the strategy  
12:54:09    2   page on page 2050, the goal is listed as:  
12:54:20    3                    "Our goal is to convert the majority of the  
12:54:22    4   PeopleSoft and J.D. Edwards customer base to SAP and contain  
12:54:28    5   Oracle's potential growth in the next generation application  
12:54:31    6   market."  
12:54:55    7                    A.   Yes.  
12:54:56    8                    Q.   And that was SAP's goal at the time; correct?  
12:55:02    9                    A.   Yes.  
12:55:03   10  
12:55:06   11  
12:55:19   12  
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12:55:29   15  
12:55:34   16  
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12:55:45   18  
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12:56:59   21  
12:57:03   22  
12:57:20   23  
12:57:21   24  
12:57:26   25

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13:46:46    2

13:47:22    3

13:47:26    4

13:47:30    5

13:47:36    6

13:47:39    7

13:47:51    8                    Q.    And the ultimate goal was to try to get the

13:47:54    9    TomorrowNow customers to become SAP applications customers;

13:47:55 10    correct?

13:48:01 11                    A.    That's correct.

13:48:04 12

13:48:15 13

13:48:19 14

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13:48:44 17

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13:49:09 19

13:49:11 20

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CERTIFICATE OF DEPONENT

I, GERHARD OSWALD, hereby certify that I have read the foregoing pages, numbered 1 through 172, of my deposition of testimony taken in these proceedings on Wednesday, December 10, 2008, and, with the exception of the changes listed on the next page and/or corrections, if any, find them to be a true and accurate transcription thereof.

Signed: *Gerhard Oswald*

Name: GERHARD OSWALD

Date: *22 Jan 2009*

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